

Appl. No. 10/053,748  
Rep./Amdt. dated May 12, 2006  
Reply to Supp. Exmr. Ans. mailed 3/22/06

### **REMARKS/ARGUMENTS**

There are no amendments to the specification or drawings herein.

In the Claims, Claims 1-38 are pending. Claims 1-4, 6, 11 and 32-35 are rejected. Claims 5, 7-10, 12-31 and 36-37 and possibly Claim 38 are objected to.

In this Reply/Amendment, Claims 1-3, 6, 11 and 32-34 have been cancelled, without prejudice, and Claims 4, 5, 7, 12, 31, 35, 36 and 38 have been amended herein. Reconsideration is respectfully requested.

In a Supplemental Examiner's Answer, mailed March 22, 2006 (hereinafter Supplemental Answer), written in response to a remand by the Board for further consideration of a rejection pursuant to 37 CFR 41.50(a)(1), the Examiner maintained a rejection of Claims 1-4, 6, 11 and 32-35 under 35 U.S.C. 102(b) as being anticipated by Booth et al. Further in the Supplemental Answer, the Examiner formally withdrew the rejection of Claims 5, 7, 8, 10, 31 and 38, and further deemed Claims 5, 7-10, 12-31 and 36-37 allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. The Examiner apparently intended to include Claim 38 in the group of allowable claims since the rejection of that claim was formally withdrawn and no new grounds of rejection were identified in the Supplemental Answer pertaining to Claim 38.

Claims 1-3, 6, 11 and 32-34 are cancelled herein, without prejudice. Applicant reserves the right to file a continuation application that includes the cancelled claims under 37 CFR 1.53(b) during the pendency of this application. Claims 4, 5, 7, 12, 31, 35, 36 and 38 are amended herein. Specifically, Claims 5 and 7 are re-written in independent form including all of the limitations of the base Claim 1 and with respect to Claim 5, including intervening Claims 2 and 3, while with respect to Claim 7, including intervening Claim 6, as suggested by the Examiner. Claim 4 is amended to be dependent from amended Claim 5. Claim 12 is re-written in independent form including all of the limitations of the base Claim 11, as suggested by the Examiner. Claim 31 is amended to be dependent from Claim 12, instead of Claim 11, as originally filed, and further amended to remove limitations that are either redundant or incompatible with amended Claim 12. Claims 36 and 38 are re-written

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in independent form including all of the limitations of base Claim 32 and with respect to Claim 36, including intervening Claim 34, while with respect to Claim 38, including intervening Claim 33, as suggested by the Examiner. Claim 35 is amended to be dependent from amended Claim 36. Support for the amendments is provided at least by the claims, as originally filed. No new matter is added. Entry and consideration of the amendments are respectfully requested.

The rejection of Claims 1-4, 6, 11 and 32-35 under 35 U.S.C. 102(b) as being anticipated by Booth et al. is the only extant ground for rejection. Claims 1-3, 6, 11 and 32-34 are cancelled herein, without prejudice, and rejected Claims 4 and 35 are amended to be dependent from respective amended Claims 5 and 36, which were deemed allowable by the Examiner, as mentioned above. As such, the extant ground for rejection is respectfully moot in light of the amendments.


Applicant appreciates the Examiner's indication of the allowability of Claims 5, 7-10, 12-31 and 36-37 if rewritten in independent form and has re-written the claims per the Examiner's suggestion. Similarly, as noted above, Claims 4 and 35 have been amended to be dependent from allowable amended base Claims 5 and 36, respectively. As such, amended Claims 4 and 35 similarly should be allowable for at least the same reasons as respective amended base Claims 5 and 36.

In summary, Claims 4, 5, 7-10, 12-31, 35, 36-37 and 38 remain in the present application. Claims 4, 5, 7, 12, 31, 35, 36 and 38 have been amended, while Claims 1-3, 6, 11 and 32-34 have been cancelled, without prejudice, herein. Applicant respectfully submits that remaining Claims 4, 5, 7-10, 12-31, 35, 36-37 and 38, as amended herein, are in condition for allowance. Applicant respectfully requests that Claims 4, 5, 7-10, 12-31, 35, 36-37 and 38 be allowed, and that the application be passed to issue at an early date.

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Should the Examiner have any questions regarding the above, the Examiner is earnestly requested to please contact the undersigned, J. Michael Johnson, telephone number (775) 849-3085, or Ian Hardcastle, Attorney for Applicant, Registration No. 34,075 at Agilent Technologies, Inc., telephone number (408) 553-2715.

Respectfully submitted,  
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

  
J. Michael Johnson  
Date 5/12/06

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